

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 CAROL ROMEO  
Deputy Attorney General  
4 State Bar No. 124910  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA. 94612-0550  
6 Telephone: (510) 622-2141  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2012 - 303**

13 **LAURA ELISE HAMILTON**  
**A.K.A. LAURA ELISE HAMILTON-BALL**  
14 **2384 Kenwood Avenue**  
**San Jose, CA 95128**

**A C C U S A T I O N**

15 **Registered Nurse License No. 546578**

16 Respondent.

17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about August 10, 1998, the Board of Registered Nursing issued Registered  
23 Nurse License Number 546578 to Laura Elise Hamilton, also known as Laura Elise Hamilton-  
24 Ball (Respondent). The Registered Nurse License was in full force and effect at all times relevant  
25 to the charges brought herein and will expire on January 31, 2012, unless renewed.

26 ///

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

2  
3  
4

5  
6  
7  
8

9  
0  
1  
2

3  
4  
5  
6  
7

## 8

9

01

2

3

4  
5  
6

7

0

1           8.     Section 2762 of the Code states, in pertinent part:

2            "In addition to other acts constituting unprofessional conduct within the meaning of this  
3 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
4 chapter to do any of the following:

5            "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed  
6 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or  
7 administer to another, any controlled substance as defined in Division 10 (commencing with  
8 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
9 defined in Section 4022.

10           "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
11 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
12 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
13 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
14 ability to conduct with safety to the public the practice authorized by his or her license. "

15           9.     Section 2770.11 of the Code states:

16            "(a) Each registered nurse who requests participation in a diversion program shall agree to  
17 cooperate with the rehabilitation program designed by the committee and approved by the  
18 program manager. Any failure to comply with the provisions of rehabilitation program may  
19 result in termination of the registered nurse's participation in a program. The name and license  
20 number of a registered nurse who is terminated for any reason, other than successful completion,  
21 shall be reported to the board's enforcement program.

22            "(b) If the program manager determines that a registered nurse, who is denied admission  
23 into the program or terminated from the program, presents a threat to the public or his or her own  
24 health and safety, the program manager shall report the name and license number, along with a  
25 copy of all diversion records for that registered nurse, to the board's enforcement program. The  
26 board may use any of the records it receives under this subdivision in any disciplinary  
27 proceeding."

28     ///

1 COST RECOVERY

2 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licensee found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

6 DRUGS

7 11. "**Vicodin**", is a Schedule III controlled substance pursuant to Health and Safety Code  
8 section 11056(e)(4) and a dangerous drug pursuant to Business and Professions Code section  
9 4022. Vicodin is a trade name for the narcotic substance hydrocodone (a semisynthetic narcotic  
10 analgesic and antitussive with multiple actions qualitatively similar to those of codeine) with the  
11 non narcotic substance acetaminophen.

12 12. "**Methamphetamine**" is a Schedule II controlled substance as designated by Health  
13 and Safety Code section 11055(d)(2) and a dangerous drug pursuant to Business and Professions  
14 Code section 4022. It is a highly addictive recreational drug.

15 FIRST CAUSE FOR DISCIPLINARY ACTION  
16 (Unprofessional Conduct)  
(Bus. & Prof. Code §2761(a))

17 13. Respondent has subjected her Registered Nurse License to disciplinary action for  
18 unprofessional conduct under Code section 2761, subdivision (a), as defined in Section 2762,  
19 subdivision (a). The circumstances are as follows:

20 a. On August 20, 2008, at 4:55 p.m., Respondent telephoned Walgreens located at 200  
21 N. Winchester Boulevard, San Jose, California, and requested that a prescription for Vicodin be  
22 filled through "Doctor Zikria" for "Alex Ball." Respondent identified herself as "Susan," and  
23 provided the correct DEA number and telephone number for Gul Zikria, M.D. On the same day,  
24 at 5:15 p.m., Respondent telephoned Walgreens again to confirm that the prescription would be  
25 filled. A Walgreen employee telephoned Dr. Zikria's office to verify the prescription. A staff  
26 member there told the Walgreen employee that there was no authorized prescription for Alex  
27 Ball. The staff member also told the Walgreen employee that Dr. Zikria's office does not have an  
28 employee named "Susan." Later, at 7:15 p.m., the Walgreen employee called the San Jose Police

1 Department (SJPD) to report that a woman (later identified as Respondent) had arrived at the  
2 pharmacy to pick up the fraudulent prescription. A SJPD officer responded and detained  
3 Respondent. Respondent eventually admitted that she had called in the fraudulent prescription  
4 and that she was there to pick it up.

5 b. On August 20, 2008, Respondent told the SJPD officer that she was a nurse at  
6 O'Connor Hospital and that she was released that same day from a 28-day alcohol treatment  
7 program in St. Helena, California. Respondent said that while she was in the treatment program,  
8 she learned from other patients how easy it was to obtain prescriptions for different medications.  
9 Respondent admitted that she had Dr. Zikria's DEA number and office information in her files.  
10 Respondent admitted that she identified herself as "Susan" when she requested that the  
11 prescription be filled. Respondent said that Alex Ball is her son. Respondent was arrested for  
12 violating Health and Safety Code section 11368 (forged or altered prescription).

13 SECOND CAUSE FOR DISCIPLINARY ACTION

14 (Unprofessional Conduct)

(Bus. & Prof. Code §2761(a))

15 14. Respondent has subjected her Registered Nurse License to disciplinary action for  
16 unprofessional conduct under Code section 2761, subdivision (a), as defined in Section 2762,  
17 subdivisions (a) and (b). The circumstances are as follows:

18 a. On or about July 16, 2010, while enrolled in the Board's Diversion Program,  
19 Respondent reported to MAXIMUS that she possessed and used Methamphetamines, a controlled  
20 substance and dangerous drug.

21 MATTERS IN AGGRAVATION OF PENALTY

22 15. Complainant alleges, by way of aggravation of any penalty to be imposed in this  
23 matter that on September 9, 2008, Respondent self-referred to the Board's Diversion Program  
24 after being arrested for forging a prescription for Vicodin and admitting to alcoholism. Her drug  
25 of choice was alcohol. Respondent was initially assessed and accepted into the Diversion  
26 Program on November 13, 2008. On July 6, 2011, Respondent was terminated from the  
27 Diversion Program for reasons other than successful completion. Respondent is considered a  
28

1 Public Safety Risk and is considered a threat to the public or her own health and safety. The  
2 reasons for the termination are as follows:

3 a. After Respondent was accepted into the Board's Diversion Program, she made  
4 progress in her recovery, but was noncompliant due to several missed calls to FirstLab, including  
5 1 missed test, 2 diluted results, and 2 out-of-range results. On June 17, 2010, Respondent  
6 contacted MAXIMUS to self-report a relapse on alcohol. The Diversion Evaluation Committee  
7 (DEC) Consultant was notified and requested that Respondent return to an intensive outpatient  
8 program (IOP) and re-do 90 meetings in 90 days, as well as changing her sobriety date. On July  
9 16, 2010, Respondent contacted MAXIMUS to report a second relapse on alcohol and to using  
10 Methamphetamines. Respondent sounded highly anxious on the phone, her speech was slurred,  
11 and she reported experiencing cardiac symptoms. MAXIMUS contacted Respondent's Facilitator  
12 who drove Respondent to the detoxification unit at Good Samaritan Hospital. The DEC  
13 Consultant was again contacted and requested that Respondent return to resident treatment for a  
14 minimum of 28 days. Respondent completed 45 days of residential treatment, then later  
15 completed an IOP program.

16 b. Respondent's sobriety date was changed to the first negative result reported on  
17 September 28, 2010. Respondent was reassessed by the DEC 7 on August 22, 2010 and was  
18 warned that she needed 100% compliance in order to continue in the Diversion Program, or  
19 would be terminated from the Diversion Program with "Public Risk" status. On July 5, 2011,  
20 Respondent contacted MAXIMUS to report that she relapsed on alcohol on July 3, 2011, due to  
21 insomnia. MAXIMUS contacted the DEC Consultant, who recommended that Respondent be  
22 terminated from the Diversion Program for noncompliance with Public Risk status due to her  
23 multiple unsuccessful treatment attempts, her multiple relapses, and her inability to demonstrate  
24 long-term sobriety, placing the public's welfare at risk.

25 19. Respondent's termination from the Board's Diversion Program was due to the  
26 aforementioned conduct.

27 ///

28 ///

1 PRAYER

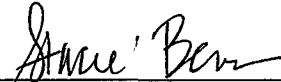
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number RN 546578, issued to  
5 Laura Elise Hamilton, also known as Laura Elise Hamilton-Ball (Respondent);

6 2. Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of  
7 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
8 125.3; and

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: November 9, 2011

11   
12 for LOUISE R. BAILEY, M.ED., RN  
13 Executive Officer  
14 Board of Registered Nursing  
15 Department of Consumer Affairs  
16 State of California  
17 Complainant

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
SF2011202657  
CR: 11/08/11